

seeks nomination or who becomes a candidate for any elective city office shall be required to take a leave of absence, which shall be an unpaid leave in accordance with the rules governing leaves of absence, (unless such person chooses to utilize accrued vacation leave), which leave shall commence at least sixty days prior to the date of the election or from the date of filing for office, whichever is lesser. Election or appointment of a person in the city service to an elective city office shall constitute an automatic resignation of such person from his or her position in the city service. No individual shall hold both an elective city office and a paid position in the city service. (Amendment of May 15, 1984; effective July 15, 1984).

Sec. 9. Power of Personnel Board. All powers, duties and rights of the personnel board or the personnel director under this article shall be provided in this article, notwithstanding any existing provisions of this charter to the contrary. (Amendment of August 27, 1962; effective May 20, 1963).

ARTICLE IX-B

CITY PLANNING DEPARTMENT

Sec. 1. Planning Department Created. There is hereby created a planning department, which shall consist of a city planning commission, a planning director, and such subordinate employees as are required to administer the planning program prescribed in this article. (Amendment of March 3, 1959).

Sec. 2. City Planning Commission. There shall be a city planning commission comprised of nine members who shall be appointed by the mayor and confirmed by the council. Three of the first appointees shall be appointed for two-year terms, three shall be appointed for four-year terms, and three shall be appointed for six-year terms. Thereafter all appointments shall be for six-year terms. Vacancies in an unexpired term shall be filled by the mayor by appointment for the remainder of the term, and such appointments shall require the council's confirmation.

Members shall be appointed from among persons having the qualifications established in Article III, section 4. A member of the commission may be removed by the affirmative vote of four members of the council after being given a written statement of the charges against him and a hearing, which shall be a public hearing if he so requests.

The commission shall biennially elect its chairman and such other officers as it desires from among its members and shall establish its own rules of procedure, provided that five members shall constitute a quorum for the transaction of business and five affirmative votes shall be required for final action on any matter acted upon by the commission.

The commission's powers and duties shall extend to advising the mayor, council, and planning director on all matters concerning the planning program and the performance of those acts related to the comprehensive plan, the capital improvements program, the zoning ordinance, and the land subdivision regulations that are described in subsequent sections of this article.

Members of the commission shall serve without pay. (Amendment of March 3, 1959).

Sec. 3. Planning Director. The planning director shall have had at least five years of such experience in the city planning field as shall qualify him for duties of the office.

The planning director shall serve as the secretary of the city planning commission and as the administrative head of the planning department. He shall be responsible for the proper conduct of all administrative affairs of the department and for the execution of the planning program prescribed in this article and in ordinances and resolutions consistent therewith. (Amendment of March 3, 1959).

Sec. 4. Comprehensive Plan. The general plan for the improvement and development of the city shall be known as the "comprehensive plan." The comprehensive plan, with the accompanying maps, plats, charts and explanatory materials, shall show the recommendations concerning the physical development pattern of the city and of any land outside its boundaries related thereto. The comprehensive plan shall, among other things, show:

- (1) The general location, character, and extent of existing and proposed streets and highways and railroads, air, and other transportation routes and terminals.
- (2) Existing and proposed public ways, parks, grounds, and open spaces.
- (3) The general location, character, and extent of schools, school grounds, and other educational facilities and properties.
- (4) The general location and extent of existing and proposed public utility installations.
- (5) The general location and extent of urban renewal projects.
- (6) The general location of existing and proposed public buildings, structures, and facilities.

The comprehensive plan shall include a land-use plan showing the proposed general distribution and general location of business and industry, residential areas, utilities, and recreational, educational, and other categories of public and private land uses. The land-use plan shall also show recommended standards of population density and building intensity based upon population estimates and providing for activities for which space should be supplied within the area covered by the plan. The comprehensive plan shall include and show proposals for acquisition, extension, widening, narrowing, removal, vacation, abandonment, sale, and other actions affecting public improvements. (Amendment of March 3, 1959).

Sec. 5. Planning Director, Duties. The planning director shall be responsible for preparing the comprehensive plan and amendments and extensions thereto, and for submitting such plans and modifications to the city planning commission for its consideration and action. The commission shall review such plans and modifications, and those which the city council may suggest, and, after holding at least one public hearing on each proposed action, shall provide its recommendations to the city council within a reasonable period of time. The city council shall review the recommendations of the planning commission and after at least one public hearing on each proposed action, shall adopt or reject such plans as submitted, except that the city council may, by an affirmative vote of at least five members of the city council, adopt a plan or amendments to the proposed plan different from that recommended by the planning commission. (Amendment of May 6, 1975).

Sec. 6. Council Refer Matters to Planning Department. No ordinance, or resolution, which deals with the acquisition, extension, widening, narrowing, removal, vacation, abandonment, sale or other change relating to any public way, transportation route, ground, open space, building or structure, or other public improvement of a character included in the comprehensive plan, shall be adopted by the council until such ordinance or resolution shall first have been referred to the Planning Department and that department has reported regarding conformity of the proposed action to the comprehensive plan. The department's report shall specify the character and degree of conformity or nonconformity of each such proposed action to the comprehensive plan, and a report in writing thereon shall be rendered to the council within thirty days after the date of receipt of the referral unless a longer period is granted by the council. If the department fails to render any such report within the allotted time, the approval of the department may be presumed by the council. (Amendment of March 3, 1959).

Sec. 7. Capital Improvements. Each department or agency annually, on or before a date which the mayor shall establish, shall submit to the planning director a schedule of all capital improvements which it recommends to be undertaken in any of the six succeeding fiscal years.

The term "capital improvements" shall include the acquisition of real property; the acquisition, construction, reconstruction, improvement, extension, equipping, or furnishing of any physical improvement, but not routine maintenance work thereon; and equipment with a probable useful life of fifteen or more years.

The planning director shall examine each recommended project for conformity to the comprehensive plan and shall prepare a consolidated schedule of the projects recommended by the departments, which schedule shall describe the character and degree of conformity or non-conformity of each project as it relates to the comprehensive plan. This consolidated schedule shall be submitted to the city planning commission for its review and comment. Not later than seventy-five days prior to the budget adoption date, the commission shall submit the consolidated schedule of projects and its comments thereon to a capital improvements advisory committee composed of the mayor as chairman, and such directors as designated by the mayor. The capital improvements advisory committee shall formulate and recommend a six-year improvement program showing exactly which projects should receive appropriations in each of the six succeeding fiscal years. As a part of his annual proposed budget, the mayor shall, after consideration of the recommended capital improvements program, submit to the council his recommendations with respect to the capital budget for the ensuing year.

The council shall not appropriate any money in any budget for any capital improvement project unless and until the conformity or non-conformity of that project has been reported on by the planning department by special report or in connection with the capital improvement programming process. (Amendment of May 10, 1966).

Sec. 8. Zoning Plan and Ordinance. For the purpose of promoting the health, safety, morals, or general welfare of the city, the council shall enact a zoning plan and zoning ordinance to regulate and restrict the location, height, bulk, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, courts, and other open spaces; the density of population; and the locations and uses of buildings, structures, and land for trade, industry, business, residences, and other purposes.

The zoning plan and zoning ordinance may divide the area zoned into districts of such number, shape, and area as may be best suited to carry out the purposes of this article, and it may regulate, restrict, or prohibit the erection, construction, reconstruction, alteration or use of buildings, structures, or land within the total area zoned or within districts. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations for one district may differ from those applicable to other districts.

Such regulations shall be made with reasonable consideration having been given to, among other things, the character of the various parts of the area zoned and their peculiar suitability for particular uses and types of development, and with a view to conserving property values and encouraging the most appropriate use of land throughout the area zoned.

The regulations may include reasonable provisions regarding non-conforming uses and their gradual elimination.

The council shall have the power to regulate through zoning the use of land outside the city within such distances and in the manner authorized by the laws of the state of Nebraska.

The provisions of this section shall govern and apply notwithstanding any existing provisions of this charter to the contrary. (Amendment of March 3, 1959).

Sec. 9. Zoning Ordinance Preparation. The planning director shall be responsible for preparing the zoning ordinance and for submitting it to the city planning commission for its consideration and action. The commission shall review the proposed zoning ordinance and, after holding at least one public hearing on each proposed action, shall approve or reject it in whole or in part and with or without modifications. When approved by the commission, the proposed ordinance shall be submitted to the council for its consideration, and the zoning ordinance shall become effective when adopted by the council. The city council may amend,

Sec. 24. Idle Funds, Investment. Whenever the city has accumulated a surplus in any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the city council may invest any such surplus in excess of current needs or such excess in its sinking fund in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized to invest pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Amendment of November 7, 2000; prior Amendment of June 15, 1954).

Sec. 25. Formulation of Annual Budget. The procedure and calendar for the formulation of the annual proposed executive budget and for its submission to the council shall be as follows:

(1) On or before a date to be prescribed by the mayor, each city department and agency head shall compile and transmit to the finance director estimates for the ensuing year of revenue and operating expenditure for the department or agency concerned, along with such work program information and other supporting data as the mayor may require.

(2) The mayor, with the assistance of the finance director, shall review all estimates and the capital improvements program, and shall formulate the proposed budget, making such revisions of estimates as the mayor deems desirable.

(3) Not later than forty days prior to the end of the fiscal and budget year, the mayor shall submit to the council for its consideration and action his proposed budget. Upon submission the budget shall become a public record and shall be open to inspection.

The provisions of this section shall govern and apply notwithstanding any existing provisions of this charter to the contrary. (Amendment of August 27, 1962; effective May 20, 1963). (Prior Sec. 25 repealed, effective May 20, 1963).

Sec. 25a. Annual Budget, Contents. The annual budget shall be a complete financial plan for the ensuing budget year and shall consist of an operating budget and a capital budget. The capital budget shall provide for the acquisition of real property; the acquisition, construction, reconstruction, improvement, extension, equipping, or furnishing of any capital improvement, but not routine maintenance work thereon; and equipment with a probable useful life of fifteen or more years. The operating budget shall provide for all classes of expenditures not provided for in the capital budget.

The proposed budget submitted by the mayor to the council shall contain at least the following:

(1) A budget message in which the mayor shall discuss the city's financial condition and prospects, explain both in terms of money and work programs the important features of the operating budget, and outline the financial policies he proposes for the ensuing budget year.

(2) Appropriate statements showing for each fund the estimated transaction and balances for the ensuing budget year and comparative data for the current year and the immediate past budget year.

(3) Schedules of all estimated revenues itemized by sources for the ensuing budget year and comparative data for the current and the immediately past budget year.

(4) Operating budget schedules showing by activity or program the proposed operating expenditures for the ensuing budget year, and in a separate column or section entitled "Proposed Appropriations," the lump sum recommended for appropriation, which lump sums need not be itemized further than by departments, divisions, or major activities and programs. Comparative expenditures data for the current year and the immediately past budget year and information on work programs and work loads shall also be presented.

(5) A schedule or schedules showing principal and interest requirements for the ensuing budget year and for at least five years thereafter on each outstanding note and bond issue comprising the city debt.

(6) Capital budget schedules showing the total amount proposed for expenditure on each capital improvement project during the ensuing budget year and a complete analysis of the sources of funds by projects showing balances available and amounts to be appropriated, borrowed, or derived from other sources.

The provisions of this section shall govern and apply notwithstanding any existing provisions of this charter to the contrary. (Amendment of March 3, 1959).

Sec. 26. Annual Budget, Adoption. At the meeting of the council at which the mayor submits the proposed budget, the council shall determine the time and place at which it will hold a public hearing on the proposed budget. The date for a public hearing shall be scheduled for not later than ten days prior to the budget adoption date prescribed in this section, and the time and place of the hearing, together with a copy of a summary of the proposed budget, shall, not less than five days before such hearing, be published in one issue of the official paper of the city, if there be one, and if there be no official paper, then in one newspaper published and of general circulation in the city.

The council shall have full power at any time prior to the adoption of the budget to revise revenue estimates and to increase, decrease, insert, or delete appropriation items.

Not later than five days prior to the end of the fiscal and budget year, the council shall by a vote of four of its members adopt a budget by resolution and thereby authorize appropriations for the ensuing budget year. Should the council fail to adopt a budget on or before the prescribed budget adoption date, the budget proposed by the mayor shall be deemed to have been adopted by the council and shall become the basis for expenditure during the ensuing budget year and for the tax levy for such ensuing year.

Not more than ninety percent of the total levy for any fiscal year shall be included in the budget revenue estimates for such year, but each annual budget shall be balanced in that total estimated revenues, including applicable borrowing proceeds, shall be equal in amount to total appropriations.

The provisions of this section shall govern and apply notwithstanding any existing provisions of this charter to the contrary. (Amendment of March 3, 1959).

Sec. 27. Appropriations. The finance director shall not allow any commitments or expenditures to be made except as charges against appropriation authorized in the budget or pursuant to Article VII, Section 7. If, at any time, during the budget year, the mayor determines that the available income for the year of any specific fund will be less than the total appropriations authorized from such fund, he shall have the power to reduce appropriations from such fund so as to prevent the incurring of a budget deficit for that year.

The mayor may at any time authorize the transfer of an unencumbered appropriation balance or portion thereof between appropriations of the same department or agency, but he shall inform the council of all such transfers by filing an appropriate written statement with the city clerk within seven days. Appropriation transfers between departments or agencies may only be authorized by resolution of the council.

The council shall not make any appropriation in addition to those authorized in the annual budget, except that it may authorize emergency appropriations in the event of an emergency threatening serious loss of life, health, or property in the community. If there are no unappropriated moneys available from which to make such appropriations, the council may by resolution authorize the issuance of emergency notes, provided that the emergency notes issued shall not exceed fifteen percent of the total appropriations made in the operating budget for the year concerned, and provided further that the first budget adopted after the issuance of such emergency notes shall provide for their redemption in full. The affirmative vote of six members of the council or a unanimous vote, if fewer than six but at least four members are present, shall be required to pass resolutions authorizing emergency appropriations or the issuance of emergency notes.